

REMARKS/ARGUMENTS

1. Claim Amendments

The Applicant has canceled claims 1-32 and added claims 33-61. New Claims 33-61 correspond generally to the allowed claims in Applicant's corresponding EP patent application EP02388007-3. Applicant respectfully submits no new matter has been added. Accordingly, claims 33-61 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2. Information Disclosure Statement

The Applicant submits that US 6,775,559 is the US version of the application for the reference DE1953843A1 cited in the Information Disclosure Statement.

3. Examiner Objections - Claims

The Examiner objected to claims 6-15, 19-21 and 27-29 under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from another multiple dependent claim. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has canceled claims 6-15, 19-21 and 27-29 rendering the objection moot.

4. Claim Rejections – 35 U.S.C. § 101

The Examiner rejected claims 29 and 32 as being directed to non-statutory subject matter. The Applicant has canceled claims 29 and 32 rendering the rejection moot.

5. Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-5, 8-18 and 22-32 under 35 U.S.C. 102(b) as being anticipated by *Wentker et al.* (WO 00/25278) referred to hereinafter as Wentker. Applicant has canceled claims 1-5, 8-18 and 22-32 rendering the rejection moot. The new claims have been drafted to correspond to the allowed claims in Applicant's EP

Patent Application No. EP02388007-3, having been modified to correspond to US claim drafting practice. These claims were specifically drafted to overcome Wentker, as cited in the International Search Report PCT/US 99/25103.

Specifically, Wentker discloses a loading process for loading a software application into a smart card. The loading process comprises the receipt of an initial load command by the smart card from a host computer. The load command is cryptographically authenticated by the smart card, and it is checked whether installation of the application can be allowed. If the load command is successfully authenticated and the above requirements are fulfilled, the smart card sends an acknowledgement back to the host which then transmits the application data in the form of a load file (p. 25, lines 16-19). However, Wentker does not disclose the step of transmission of a single header followed by a plurality of payload messages each comprising a data block, where each data block is cryptographically verified upon receipt, and where the combination of payload blocks is verified. Hence, the subject matter of claim 33 is novel. The effect of the novel feature is that software may efficiently and securely be loaded into the device even if the software is too large for the receiving device to be able to store it prior to installing it. By splitting up the payload in blocks and by cryptographically authenticating each individual payload block and a combination of all blocks upon receipt, the software is received efficiently in small blocks while authenticating each block as such as well as in relation to the entire payload. Hence, the data is loaded in small blocks, but only a single header is received without sacrificing the security with respect to the individual blocks and with respect to the entire payload, thereby ensuring that the received set of blocks belongs to and is authenticated against the issued package of blocks. The solution according to claim 33 to the technical problem of providing the above effect is not disclosed nor hinted at in the cited prior art. In particular, the smart card of Wentker receives a load command and a subsequent load file where the load file may comprise a plurality of DAP blocks and one data block. However, a secure loading of large applications while securing the authenticity and integrity of the individual blocks as well as the entire package is not addressed. Hence,

the subject-matter of claim 33 involves an inventive step. The same arguments apply to the corresponding other independent claims.


Consequently, the subject-matter of all independent claims is novel and non-obvious.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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